

# **EXHIBIT B**

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KRISTIN A. CARMODY,  
MD., M.H.P.E.,

Plaintiff,

v.

Case No:

NEW YORK UNIVERSITY; NYU 1:21-CV-08186-LGS  
GROSSMAN SCHOOL OF MEDICINE; NYU  
LANGONE HOSPITALS; ROBERT I. GROSSMAN M.D.  
FRITZ FRANCOIS, M.D.  
STEVEN B. ABRAMSON, M.D.  
ANDREW W. BROTMAN, M.D., and  
ROBERT J. FEMIA, M.D.,  
Defendants.

VIDEOTAPED DEPOSITION OF CATHERINE JAMIN, M.D.

DATE: Friday, July 22, 2022  
TIME: 10:00 a.m.  
REPORTED BY: Zack Shoup, Digital Reporter  
JOB No.: 11073

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Conducted by videoconference via the Remote Legal  
platform.



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A P P E A R A N C E S

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1 assistant.

2 Q Got it. All right. So -- all right. So  
3 scrolling back up to Amy Tang's next e-mail above this.  
4 She goes on to say after the sentence that we read  
5 before, "the below statement is missing the physician's  
6 presence requirement for resident services. Although  
7 the statement includes 'directly supervised', this  
8 implies direct supervision which is different than  
9 personal supervision for procedures and does not account  
10 for supervision of the EM services". Do you see that?

11 A Yes.

12 Q And then under that she goes on to say what I  
13 -- what I guess we're all assuming, the ED attestation  
14 SmartText. And it appears to have a phrase, "I agree  
15 with the history, physical, assessment, and plan of care  
16 with the following exceptions and additions: I directly  
17 supervised all documented procedures. Please also see  
18 resident's note". Do you see that there?

19 A Yes.

20 Q And she goes on to suggest a change to that  
21 verbiage which would read, "I saw and evaluated the  
22 patient and agree with the history, physical,  
23 assessment, and plan of care with the following  
24 exceptions and additions: I was present for all  
25 documented procedures. Please also see resident's

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1 note". Do you see that there?

2 A Yes.

3 Q Okay. My question is, why is someone from  
4 compliance and billing talking about verbiage for these  
5 attestations at all?

6 MR. CERASIA: Objection to form. You can  
7 answer.

8 THE WITNESS: I mean, we'd have to ask  
9 compliance and billing.

10 BY MS. CARMODY:

11 Q You don't know?

12 A Yeah, that's not -- that's not my role.

13 Q Okay. And you mentioned before that these --  
14 signing into Epic, there's certain words that auto  
15 populate for the doctor. Would these phrases be  
16 examples of the words that would auto populate?

17 A Yes, they're editable. And what the attending  
18 has to complete is where it says \*\*\*. You cannot -- you  
19 have to.

20 Q Got it.

21 A Yeah.

22 Q Understood. So the part that we see written  
23 out with words is the part that auto populates and the  
24 physician inputs their own words into the \*\*\*?

25 A Correct.

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1 Q Got it.

2 Q I'm going to scroll up. All right. Then we  
3 have an e-mail, also from that day, from Dave Johnson  
4 from Epic. Is that an NYU employee or is that someone  
5 that works for Epic?

6 A NYU employee, I believe.

7 Q Okay. And I -- and what is his role?

8 A He -- when you're asking for roles, are you  
9 asking for their exact titles --

10 Q No, it doesn't need to be --

11 A -- or just knowing what their roles are?

12 Q Yeah, just wondering what they do generally.

13 A Dave is -- has been overseeing Epic ASAP.  
14 ASAP is the ED platform in Epic. So he -- he would  
15 always be involved with any changes to Epic from the IT  
16 side.

17 Q Got it. All right. So it looks from this  
18 chain that he passes the e-mail along to someone named  
19 Jordan Swartz. Do you see that?

20 A Yes.

21 Q Okay. And he notes in his e-mail below, "I'm  
22 adding our physician informaticist Dr. Jordan Swartz to  
23 help you with to the right people" -- "direct you to the  
24 right people with expertise on the billing implications  
25 of their documentation in the ED provider group". You

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1 see that?

2 A Yes.

3 Q Okay. Do you read that to mean that these e-  
4 mails from Amy Tang have to do with billing?

5 MR. CERASIA: Objection to form. You can  
6 answer.

7 THE WITNESS: Billing compliance is one  
8 area, so a lot of it really -- when we talk about this,  
9 it talks a lot about compliance. It's almost like  
10 interchangeable.

11 MS. CARMODY: So to you, this sentence  
12 would mean the same thing if it said "to help direct you  
13 to the right people with expertise on the compliance  
14 implications"?

15 MR. CERASIA: Objection to form. You can  
16 answer.

17 THE WITNESS: Sorry, I'm just reading  
18 this. If you're asking me what Dave meant, I can't tell  
19 you what he meant, because I didn't write the e-mail.  
20 You know, I could just say "expertise on the billing  
21 implications of their documentation", but I can't read  
22 into what he meant by it.

23 MS. CARMODY: No, I'm not asking for what  
24 Dave meant. I'm asking for what you understand that to  
25 mean. Because the e-mail does get passed on to you, so

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